

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED

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U.S. DISTRICT COURT
N.D. OF ALABAMA

STACY GORDON,)
Plaintiff,)
vs.) CV00-S-1836-S
JUDGE GOLDEN,)
Defendant.)

ENTERED

SEP 25 2000

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on August 3, 2000, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b), because plaintiff sought relief (a) under the wrong statute (42 U.S.C. § 1983, rather than by petition for writ of habeas corpus) and (b) against the wrong defendant (i.e., the judge who sentenced him, rather than the person or entity having custody of him. Moreover, the defendant sued by plaintiff is immune from suit. No objections have been filed. Having carefully reviewed and considered *de novo* all the materials in the court file, the court is of the opinion that the magistrate judge's report is due to be, and it hereby is, ADOPTED, and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b). A final judgment will be entered.

DONE this 25th day of September, 2000.


United States District Judge